

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DAVID ALLEN MOORE, P.A.-C.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and David Allen Moore, P.A.-C. ("Mr. Moore") pursuant to the West Virginia Code §30-3-1, *et seq.*, and 11 CSR 1B 10.1, freely and voluntarily enter into the following:

FINDINGS OF FACT

1. Mr. Moore seeks a license to practice as a physician assistant at Beckley Pediatric Associates, Beckley, West Virginia under the supervision of John H. Johnson, M.D.
2. From September 2001 through April 10, 2008, Mr. Moore was licensed to practice as a physician assistant in West Virginia.
3. In September 2008, the Raleigh County Circuit Court issued an indictment against Mr. Moore.
4. From August 2008 through December 3, 2008, Mr. Moore underwent successful treatment at the William J. Farley Center, Williamsburg, Virginia.
5. Subsequently, Mr. Moore has been enrolled in the West Virginia Medical Professionals Health Program ("WVMPHP") whereby he will be monitored for a period of five (5) years and is subject to expulsion from the program for any non-compliance.

6. In August 2009, Mr. Moore entered a plea of guilty in the Circuit Court of Raleigh County to the misdemeanor offense of possession of a controlled substance without a valid prescription and to the misdemeanor offense of attempting to commit the misdemeanor of possession of a controlled substance without a valid prescription.

7. Physician Assistant Committee members of the Board have reviewed documents in connection with Mr. Moore's treatment and monitoring, materials in support of his re-licensure from knowledgeable individuals and have met with Mr. Moore for a full discussion of his health and well being.

8. Mr. Moore has stated that he is abstaining from controlled substances and is committed to his recovery.

9. The Board recognizes that Mr. Moore meets the statutory qualifications for licensure as a physician assistant and that it is in the public interest to grant him a license, though permitting him such a license under the circumstances without attaching certain appropriate accommodations, conditions and limitations upon the license could adversely affect the health and welfare of a patient.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate pursuant to West Virginia Code §30-3-1, to protect the public interest.

2. Probable cause exists to deny licensure to Mr. Moore pursuant to the provisions of 11 CSR 1B 10.1(h) 3 and 10.

3. It is appropriate and in the public interest not to deny a license to, and to waive the commencement of proceedings against, Mr. Moore, subject to

compliance by Mr. Moore with certain accommodations, conditions and limitations upon his licensure as a physician assistant in the State of West Virginia.

CONSENT

David Allen Moore, P.A.-C. agrees solely and exclusively for the purpose of the entry of this Order to the following:

1. Mr. Moore acknowledges that without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with 11 CSR 1B 10.1 and West Virginia Code §29A-5-1, *et seq.*, and West Virginia Code §30-3-16;

2. Mr. Moore further acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, the right to cross-examine witnesses against him, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

3. Mr. Moore waives all such rights;

4. Mr. Moore consents to the entry of this Order relative to his practice as a physician assistant in the State of West Virginia; and,

5. Mr. Moore understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and the foregoing consent of Mr. Moore, the West Virginia Board of Medicine hereby **ORDERS**:

1. Mr. Moore is again granted License Number 00877, effective March 29, 2010, to be supervised by John H. Johnson, M.D. at Beckley Pediatric Associates, Ltd.

2. Said License Number 00877 is issued for a period of six (6) months, automatically expiring and terminating September 30, 2010, at 11:59 p.m.

3. During the six (6) month period, Mr. Moore may work as a physician assistant no more than twenty (20) total hours each week.

4. Mr. Moore will meet with the Physician Assistant Committee of the Board at its regularly scheduled meeting in September 2010, for a full discussion of his progress, health and well being, and any further licensure as a physician assistant.

5. During the six (6) months, Mr. Moore shall continue to participate in the West Virginia Medical Professionals Health Program and shall comply with any and all of its requirements.

6. During the six (6) months, Mr. Moore will submit to random drug screens at any time upon request of the Board.


7. During the six (6) months, Mr. Moore will ensure that Dr. Johnson provides to the Executive Director of the Board no later than July 1, 2010, a written report with a written statement confirming that Mr. Moore is practicing as a physician assistant with reasonable skill and safety for patients.

8. Within five (5) days of entry of this Consent Order, Mr. Moore shall provide a copy of this Order to his supervising physician, Dr. Johnson.

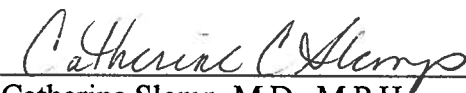
The failure of Mr. Moore to comply with any of the terms of this Consent Order, as determined by the Board, shall constitute grounds for further discipline of his licensure as a physician assistant in the State of West Virginia by this Board.

Dated this 26th day of March, 2010.

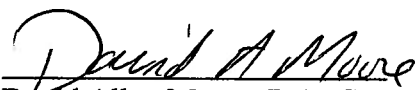
WEST VIRGINIA BOARD OF MEDICINE



John A. Wade, Jr., M.D.
President



Catherine Slemp, M.D., M.P.H.
Secretary



David Allen Moore, P.A.-C.

Date: 3/12/2010

STATE OF W.V.

COUNTY OF Raleigh, to-wit:

I, Robert Darrell Helton Notary Public for said county and state do hereby certify that David Allen Moore, P.A.-C., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 12 day of March, 2010.

My Commission expires 12/28/14.

Robert Darrell Helton
NOTARY PUBLIC

